

**REISSUE APPLICATION
DECLARATION BY THE ASSIGNEE
37 C.F.R. §1.175**

I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I am authorized to act on behalf of the assignee **Center for Neurologic Study, La Jolla, California**, and the title of my position with said assignee is **DIRECTOR**.

The entire title to the patent identified below is vested in said assignee:

Names of Patentees: **Richard Alan Smith; Jonathan M. Licht**

Patent Number: **5,863,927**

Date Issued: **January 26, 1999**

Title: **DEXTROMETHORPHAN AND AN OXIDASE INHIBITOR FOR TREATING INTRACTABLE CONDITIONS**

I believe said patentees to be the original, first, and joint inventors of the subject matter that is described and claimed in said patent, for which reissue is sought on the invention entitled **DEXTROMETHORPHAN AND AN OXIDASE INHIBITOR FOR TREATING INTRACTABLE CONDITIONS**, the specification of which is attached hereto.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, by reason of a defective specification.

At least one error upon which reissue is based is described as follows:

Because the original specification failed to properly reference prior, copending applications, U.S. Patent 5,863,927 did not receive the benefit of an earlier filing date to which it was entitled under 35 U.S.C. §120. Accordingly, absent the reissue, the patent may be invalidated by references are not properly prior art with respect to the patent.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicants.

10052698-01802

**REISSUE APPLICATION
CONSENT OF ASSIGNEE
37 C.F.R. §1.172**

This is part of the application for a reissue patent based on the original patent identified below.

Names of Patentees: **Richard Alan Smith; Jonathan M. Licht**

Patent Number: **5,863,927**

Date Issued: **January 26, 1999**

Title: **DEXTROMETHORPHAN AND AN OXIDASE INHIBITOR FOR TREATING INTRACTABLE CONDITIONS**

Filed herein is a statement under 37 C.F.R. §3.73(b).

The assignee owning an undivided interest in said original patent is **Center for Neurologic Study**, and the assignee consents to the accompanying application for reissue.

Name of Assignee: **Center for Neurologic Study**

Signature

Richard Alan Smith

Date

11/9/02

Name and title of person signing for assignee: **Richard Alan Smith, DIRECTOR**

STATEMENT UNDER 37 C.F.R. §3.73(b)

Applicant/Patent Owner: **Center for Neurologic Study, La Jolla, California**Patent Number: **5,863,927**Date Issued: **January 26, 1999**Title: **DEXTROMETHORPHAN AND AN OXIDASE INHIBITOR FOR TREATING INTRACTABLE CONDITIONS**

Center for Neurologic Study, a not-for-profit foundation, states that it is the assignee of the entire right, title, and interest in the patent identified above by virtue of an assignment from the inventors of the patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 9068, Frame 0121.

Full name person signing: **Richard Alan Smith**

Signature



Date

1/9/02

Title:

DIRECTOR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Smith et al.)
 Patent. No. : 5,863,927)
 Filed : September 19, 1996)
 For : DEXTROMETHORPHAN AND AN)
 OXIDASE INHIBITOR FOR)
 TREATING INTRACTABLE)
 CONDITIONS)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). The original assignment is recorded at Reel 9068 and Frame 0121. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject patent, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute a reissue application filed herewith and to transact all business in the U.S. Patent and

10052698-011802

App. No. : 5,869,927
Filed : September 19, 1996

Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Center for Neurologic Study

Dated: 11/9/02

By: Richard Alan Smith
Richard A. Smith

Title:

Address:

PA-75

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OFFER TO SURRENDER
37 C.F.R. §1.178

ASSISTANT COMMISSIONER FOR PATENTS:

The undersigned applicant of the accompanying reissue application for the reissue of letters Patent No. **5,863,927** for an improvement in **DEXTROMETHORPHAN AND AN OXIDASE INHIBITOR FOR TREATING INTRACTABLE CONDITIONS**, granted on **January 26, 1999** to **Smith et al.**, hereby offers to surrender said letters patent.


Richard Alan Smith

11/9/02
Date

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